



From

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Attorney Docket No. 47586-P019CP1-09901497
Date February 4, 2000



PATENT APPLICATION TRANSMITTAL LETTER

"Express Mail" label no. EL341170798US

Date of Deposit: February 4, 2000

Box PATENT APPLICATION
Assistant Commissioner
for Patents
Washington, D.C. 20231

I hereby certify that this is being deposited with the United States Postal Service Express "Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

By: Gail L. Miller

Printed/Typed Name: Gail L. Miller

Sir:

Transmitted herewith for filing under 37 C.F.R. 1.53(b) is a(n):

- ☒ Utility
- ☒ Original patent application,

Inventor(s): **Martin J. Feuerstein et al.**

For: **EMBEDDED DIGITAL BEAM FORMING**

Enclosed are:

1. ☒ Thirty-two pages of written description, claims and abstract.
2. ☒ Three sheets of drawings.
3. ☒ Combined Declaration and Power of Attorney.
 - (a) ☒ Newly executed (original or copy)
 - (b) ☐ Copy from prior application (37 CFR 1.63(d)) *(for continuation/divisional if Box 5 completed)*

[Note Box 5 below]

4. ☐ Incorporation by Reference *(useable if Box (b) is checked).*

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3(b), is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. ☒ If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application Serial No: 08/924,741

6. ☒ Assignment Papers (cover sheet and document(s)) of the invention to Metawave Communications Corp.
7. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.
8. ☐ Information Disclosure Statement and Form PTO-1449. ☐ Copies of IDS Citations.
9. ☐ Preliminary Amendment

Date February 4, 2000

10. ☒ Return Receipt Postcard (MPEP 503) (should be specifically itemized)
11. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
12. ☐ Other: _____

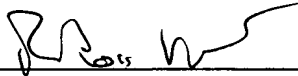
13. Utility Fee Calculation

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	45	- 20 =	25	X \$ 18 = 450.00
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	3	- 3 =	0	X \$ 78 = 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+	=
				Basic Fee	690.00
				Total of above Calculations =	1,140.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28)				(570.00)
	* Reissue claims in excess of 20 and over original patent				
	** Reissue independent claims over original patent				
				TOTAL =	\$570.00

Method of Fee Payment

14. ☒ A check in the amount of \$570.00 to cover the filing fee is enclosed.
15. ☒ A check in the amount of \$40.00 to cover the assignment recordal fee is enclosed.
16. ☐ Please charge my Deposit Account No. 06-2380 in the total amount of the filing fee and the assignment recordation fee, if any. **A duplicate of this Transmittal Letter is enclosed, if box checked.**
17. ☒ The Commissioner is hereby authorized to charge any deficiency in the enclosed fees under 37 C.F.R. § 1.16, or to charge any patent application processing fees under 37 C.F.R. § 1.17, or credit any overpayment, to Fulbright & Jaworski L.L.P. Deposit Account No. 06-2380.

Respectfully submitted,


 R. Ross Vigué
 Registration No. 42,203
 Counsel for Applicant

Date: 3/4/00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- ☒ In re application of Applicant or Patentee: Martin J. Feuerstein et al.
☐ Serial or Patent No.:
☐ Filed or Issued on:

Title: EMBEDDED DIGITAL BEAM FORMING

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)--SMALL BUSINESS CONCERN)**

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern Metawave Communications Corporation
Address of Small Business Concern 10735 Willows Road N.E.
Redmond, Washington 98073

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below.

Name _____
Address _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

- ☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Kathy Surace-Smith
Title of Person if Other Than Owner: Secretary
Address of Person Signing: 10735 Willows Road N.E.
Redmond, Washington 98073

SIGNATURE: Kathy Surace-Smith

Date: 1-14-00